

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**MICHELE GRAY et al.,**

**Plaintiffs,**

**1:20-cv-712  
(GLS/DJS)**

**v.**

**UNITED STATES DEPARTMENT  
OF JUSTICE,**

**Defendant.**

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**ORDER**

On July 31, 2020, Magistrate Judge Daniel J. Stewart issued a Report-Recommendation and Order (R&R), which recommends that plaintiff *pro se* M.G., a minor, be dismissed from the action, with leave to replead any claims on M.G.'s behalf if the minor becomes represented. (Dkt. No. 7.) The R&R also denied plaintiff *pro se* Michele Gray's motion for the appointment of counsel, (Dkt. No. 3), and request for authorization to electronically file, (Dkt. No. 4), with leave to renew. (Dkt. No. 7.) Pending before the court are Gray's objections to the R&R, (Dkt. No. 10 at 1-3), motion for the appointment of a guardian ad litem for M.G., (*id.* at 3-4), and motions requesting to file new exhibits, (Dkt. Nos. 14, 16, 18, 20).

Only specific objections warrant de novo review. See *Almonte v. N.Y. State Div. of Parole*, No. Civ. 904CV484, 2006 WL 149049, at \*3-5 (N.D.N.Y. Jan. 18, 2006). Objections that are general, conclusory, frivolous, or a mere reiteration of an argument already made to the magistrate judge trigger only clear error review. See *id.* at \*4-5.

Given that Gray's arguments are devoid of any specific objections to the substance of Magistrate Judge Stewart's analysis, they trigger review for clear error only, see *Almonte*, 2006 WL 149049, at \*5-6, of which the court finds none. Accordingly, the R&R, (Dkt. No. 7), is adopted in its entirety.

As to Gray's motions requesting to file new exhibits, (Dkt. Nos. 14, 16, 18, 20), such request is premature, as explained by Magistrate Judge Stewart, (Dkt. No. 7 at 4), and is therefore denied with leave to renew. To be sure, to the extent Gray's objections and subsequent filings can be construed as an appeal of the R&R, the R&R is affirmed, as it is neither contrary to law nor clearly erroneous. See 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a); *Mitchell v. Cuomo*, No. 9:17-CV-0892, 2019 WL 1397195, at \*1 (N.D.N.Y. Mar. 28, 2019).

Lastly, Gray's motion for the appointment of a guardian ad litem,

(Dkt. No. 10 at 3-4), is referred to Magistrate Judge Stewart.

Accordingly, it is hereby

**ORDERED** that the Report-Recommendation and Order (Dkt. No. 7) is **ADOPTED** in its entirety; and it is further

**ORDERED** that M.G. is **DISMISSED** from this action, with leave to replead any claims on M.G.'s behalf if the minor becomes represented; and it is further

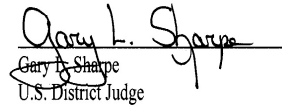
**ORDERED** that Magistrate Judge Stewart's order denying Gray's motion for the appointment of counsel, with leave to renew, and Gray's request to participate in electronic filing, with leave to renew (Dkt. No. 7) is **AFFIRMED**; and it is further

**ORDERED** that Gray's motions requesting to file new exhibits (Dkt. Nos. 14, 16, 18, 20) are **DENIED WITH LEAVE TO RENEW**; and it is further

**ORDERED** that Gray's motion for the appointment of a guardian ad litem (Dkt. No. 10 at 3-4) is **REFERRED** to Magistrate Judge Stewart; and it is further

**ORDERED** that the Clerk provide a copy of this Order to the parties.  
**IT IS SO ORDERED.**

October 28, 2020  
Albany, New York

  
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Gary L. Sharpe  
U.S. District Judge